

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of	)	
UPPER MICHIGAN ENERGY RESOURCES	)	
CORPORATION for approval to implement a power	)	
supply cost recovery plan for the 12 months	)	Case No. U-21265
ending December 31, 2023.	)	
_____	)	

At the November 6, 2025 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Daniel C. Scripps, Chair
Hon. Katherine L. Peretick, Commissioner
Hon. Shaquila Myers, Commissioner

ORDER APPROVING REVISED AMENDED SETTLEMENT AGREEMENT

On September 27, 2022, Upper Michigan Energy Resources Corporation (UMERC) filed an application in this case, with supporting testimony and exhibits, seeking authority to implement a power supply cost recovery plan for the 12-month period ended December 31, 2023, pursuant to Section 6j of Public Act 304 of 1982, MCL 460.6j.

A prehearing conference was held on November 17, 2022, before Administrative Law Judge (ALJ) Jonathan F. Thoits (ALJ Thoits).¹ At the prehearing conference, ALJ Thoits recognized the intervention of the Michigan Department of Attorney General and granted intervenor status to the Citizens Utility Board of Michigan. UMERC and the Commission Staff also participated in the

¹ On March 27, 2023, ALJ Lesley C. Fairrow (ALJ Fairrow) was assigned to this case, replacing ALJ Thoits.

proceeding. Subsequently, the parties filed a settlement agreement resolving all issues in the case. On July 26, 2023, the Commission issued an order in this docket approving the settlement agreement. *See*, July 26, 2023 order in Case No. U-21265.

On September 16, 2025, the parties filed an amended settlement agreement (September 16 amended settlement agreement) in this docket. In the September 16 amended settlement agreement, the parties agreed to, among other things, change the filing date for UMEREC's next integrated resource plan from October 15, 2025, to no later than October 15, 2026.

By an order issued on October 9, 2025 in this docket (October 9 order), the Commission remanded the matter to ALJ Fairrow to address a petition for leave to intervene out of time filed by Tilden Mining Company L.C. (Tilden). As explained in the October 9 order, Tilden sought late intervention to contest certain provisions in the amended settlement agreement. *See*, October 9 order, p. 2. Subsequently, on October 20, 2025, the parties filed a revised amended settlement agreement that replaced and superseded the September 16 amended settlement agreement. Thereafter, Tilden requested to withdraw its petition for leave to intervene out of time.

The Commission has reviewed the revised amended settlement agreement and finds that the public interest is adequately represented by the parties who entered into the agreement. The Commission further finds that the revised amended settlement agreement is in the public interest, represents a fair and reasonable resolution of the proceeding, and should be approved. Additionally, the Commission finds that Tilden's request to withdraw its petition for leave to intervene out of time should be granted and thus dismissed.

THEREFORE, IT IS ORDERED that the revised amended settlement agreement, attached to this order as Exhibit A, is approved and Tilden Mining Company L.C.'s petition for leave to intervene out of time is dismissed.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26. To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel.

Electronic notifications should be sent to the Executive Secretary at LARA-MPSC-Edockets@michigan.gov and to the Michigan Department of Attorney General - Public Service Division at sheacl@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Daniel C. Scripps, Chair

Katherine L. Peretick, Commissioner

Shaquila Myers, Commissioner

By its action of November 6, 2025.

Lisa Felice, Executive Secretary

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of	)	
UPPER MICHIGAN ENERGY RESOURCES	)	
CORPORATION for approval to implement a power	)	Case No. U-21265
supply coast recovery plan for the twelve months ending	)	
<u>December 31, 2023.</u>	)	

REVISED AMENDED SETTLEMENT AGREEMENT

As provided in Section 78 of the Administrative Procedures Act of 1969 (“APA”), as amended, MCL 24.278, and Rule 431 of the Michigan Administrative Hearing Systems Administrative Rules, R 792.10431, Upper Michigan Energy Resources Corporation (“UMERC” or the “Company”), the Michigan Public Service Commission Staff (“Staff”), Attorney General Dana Nessel (“AG”), and the Citizens Utility Board of Michigan (“CUB”) hereby agree as follows:

1. On September 27, 2022, UMERB filed its application with supporting direct testimony and exhibits seeking approval of the Company’s Power Supply Cost Recovery (“PSCR”) plan and factors for the 12-month period ending December 31, 2023, in Case No. U-21265.

2. Following notice, Administrative Law Judge Jonathan Thoits¹ held a prehearing conference on November 17, 2022, with UMERB and Staff participating, and the AG and CUB receiving intervenor-party status.

¹ On March 27, 2023, ALJ Lesley Fairrow was assigned to this case, replacing ALJ Thoits.

3. On March 16, 2023, Staff filed its direct case, and the AG and CUB jointly filed a direct case. Subsequently, on April 13, 2023, UMERB file rebuttal.

4. Thereafter, the parties entered into a settlement agreement, resolving all contested issues including approving UMERB's 2023 PSCR plan, establishing base PSCR factors and an Adjustment Mechanism, and finding the 5-year forecast to comply with the statutory mandates of 1982 PA 304. Finally, the parties agreed UMERB would file its next Integrated Resource Plan ("IRP") no later than October 15, 2025.

5. On July 26, 2023, the Michigan Public Service Commission issued its Order Approving Settlement Agreement in Case No. U-21265.

6. On September 16, 2025, after the parties had discussions regarding, among other things, the updating of the Michigan Integrated Resource Planning Parameters ("MIRPP") and IRP Filing Requirements and developing Clean Energy Plan ("CEP") Filing Requirements as related to the timing for UMERB to file its next IRP, the parties filed the Amended Settlement Agreement extending the next IRP filing date to October 15, 2026, setting forth alternative modeling scenarios to be filed by UMERB, and permitting UMERB to establish a deferred account for costs related to sharing licensing and providing training relating to PLEXOS to Staff, the AG and CUB. Thereafter, on September 26, 2026, Tilden Mining Company LC filed a petition to intervene out-of-time asserting harm relating to the binding effect of the alternative modeling scenarios and the deferred accounting approval. On October 9, 2025, the Commission issued an Order remanding the case to ALJ Fairrow to establish a schedule to address the issues raised by the late petition to intervene, while encouraging settlement and a willingness to consider further amended settlement agreements.

7. After having reviewed the October 9, 2025 Order, the parties interested in avoiding the time and expense associated with a contested proceeding, have agreed to revise the Amended Settlement Agreement in Case No. U-21265 to address the controversial concerns raised by the petitioner in the late intervention. Therefore, the parties agree as follows:

- A. The date for filing UMERCE's next IRP should be changed from no later than October 15, 2025 to no later than October 15, 2026. The changed filing date will allow the Company to comply with the yet-to-be-finalized updated MIRPP and IRP Filing Requirements when preparing the IRP and address the new CEP Filing Requirements.
- B. As part of its next IRP filing, UMERCE will include an alternative PLEXOS modeling scenario that includes the following assumptions:
 - (i) The RICE units will operate past 2040 (for reliability purposes).
 - (ii) UMERCE will procure sufficient renewable resources to meet its Renewable Portfolio Standard (RPS) and Clean Energy Standard (CES) requirements under PA 235.
 - (iii) To the extent that there are renewable resources referenced in paragraph 6B(ii) herein that produce energy and capacity (e.g. Zonal Resource Credits) beyond UMERCE's customer load requirements, the scenario will reflect the sale of any such excess energy and capacity as a reduction of customer costs for those resources.
- C. UMERCE will include as part of its IRP filing an alternative PLEXOS modeling scenario that removes the limit on electric generation produced by UMERCE facilities that are in excess of UMERCE's native load.

- D. In all modeled scenarios presented in its next IRP filing, UMERB will model MISO market conditions using Locational Marginal Prices that reflect expected future generation mix, excluding UMERB's generation, in light of the renewable and clean energy standards of the various states. This provision does not preclude parties in UMERB's next IRP proceeding from requesting or presenting modeled scenarios utilizing different conditions.
- E. Further, as part of its next IRP filing UMERB will provide the following PLEXOS data files:
- (i) PLEXOS input files.
 - (ii) PLEXOS output files.
 - (iii) PLEXOS assumption files.
- F. While Staff does not oppose the Company making the additional commitments described in Paragraphs 7.B–7.E above, nothing in this Amended Settlement Agreement should be construed as Staff's agreement to any proposed alternative analysis or the validity of any such alternative as a proposed course of action under Michigan law. Staff makes no representations here regarding its position on such alternatives or data in future proceedings.
- G. For the next IRP, UMERB will provide two PLEXOS (or successor modeling software) licenses: One to the Staff and the other to the AG and CUB to be jointly used. Each license will include access to training material and up to 20 hours of PLEXOS (Energy Exemplar) support. Each license will be for a fully executable version of the model and will be valid from commencement until the conclusion of

the hearings in the IRP proceeding. UMERB will not be responsible for ongoing training or supporting the persons provided the PLEXOS licenses.

H. Finally, the parties agree that this Revised Amended Settlement Agreement supersedes and replaces the Amended Settlement Agreement filed on September 16, 2025, and that there are no other revisions to the understandings reached in the Settlement Agreement approved by the July 16, 2023 Order in Case No. U-21265, and these understandings remain in effect.

8. All of the signatories are of the opinion that this Revised Amended Settlement Agreement is reasonable, prudent, and in the public interest.

9. This Revised Amended Settlement Agreement is intended for a final disposition of this proceeding, and the parties join in respectfully requesting that the Commission grant prompt approval. The parties agree not to appeal, challenge, or contest the Commission's order accepting and approving this Revised Amended Settlement Agreement without modification. If the Commission does not accept the Revised Amended Settlement Agreement without modification, the agreement shall be withdrawn and shall not constitute any part of the record in this proceeding or be used for any other purpose whatsoever.

10. This Revised Amended Settlement Agreement has been made for the sole and express purpose of settling this case, and all discussions relating hereto are and shall be privileged and shall not be used in any manner or be admissible for any other purpose in connection with this proceeding or any other proceeding, except as necessary to enforce the provisions hereof. This Revised Amended Settlement Agreement, and the understandings reflected therein, shall not constitute a precedent in any other case or proceeding, either in Michigan or otherwise, except as necessary to carry out its terms.

11. The parties agree to waive Section 81 of the Administrative Procedures Act of 1969, MCL 24.281, as it applies to this proceeding, if the Commission approves this amended settlement agreement without modification.

UPPER MICHIGAN ENERGY RESOURCES CORPORATION

Dated: October 16, 2025

By: Sherri A. Wellman
Digitally signed by: Sherri A. Wellman
DN: CN = Sherri A. Wellman email = wellmans@millercanfield.com C = US O = Miller Canfield
Date: 2025.10.16 16:03:55 -04'00'
Its Attorney
Sherri A. Wellman (P38989)
MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.
123 W Allegan Street, Suite 200
Lansing, MI 48933
(517) 487-2070

MICHIGAN PUBLIC SERVICE COMMISSION STAFF

Dated: October 16, 2025

By: 
Its Attorney
Nicholas Q. Taylor (P81020)
Assistant Attorney General
Public Service Division
7109 W. Saginaw Hwy., 3rd Floor
Lansing, MI 48917
(517) 284-8140

ATTORNEY GENERAL DANA NESSEL

Dated: October 16, 2025

By: Michael E. Moody
Digitally signed by Michael E. Moody
Date: 2025.10.17 13:49:46 -04'00'
One of its Attorneys
Michael E. Moody (P51985)
Assistant Attorney General
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(517) 335-7627
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CITIZENS UTILITY BOARD OF MICHIGAN

Dated: October 16, 2025

By: **John R Liskey** Digitally signed by John R Liskey
Date: 2025.10.17 13:12:40 -04'00'

Its Attorney
John R. Liskey (P31580)
John R. Liskey Attorney At Law PLLC
921 N. Washington Ave.
Lansing, MI 48906
(517) 913-5105

PROOF OF SERVICE

STATE OF MICHIGAN)

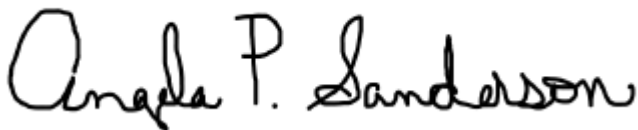
Case No. U-21265

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on November 6, 2025 A.D. she electronically notified the attached list of this **Commission Order via e-mail transmission**, to the persons as shown on the attached service list (Listserv Distribution List).


Brianna Brown

Subscribed and sworn to before me
this 6th day of November 2025.



Angela P. Sanderson
Notary Public, Shiawassee County, Michigan
As acting in Eaton County
My Commission Expires: May 21, 2030

Service List for Case: U-21265

Name	On Behalf Of	Email Address
Christopher M. Bzdok	Department of Attorney General	chris@tropospherelegal.com
John R. Liskey	Citizens Utility Board of Michigan	john@liskeypllc.com
Lesley C. Fairrow	ALJs - MPSC	fairrowl1@michigan.gov
Michael E. Moody	Department of Attorney General	moodym2@michigan.gov
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